

Remarks

Applicant first wishes to note that the majority of the below provided arguments are being presented for the third time. Each subsequent Official Action to the previous submissions states that the arguments are moot in view of new rejections, but then continues to apply the references (Li and Pratt) in exactly the same way and uses the same language to do so. Indeed, Applicant's arguments regarding Li and Pratt continue to take issue with identical language regarding Li and Pratt that appears in each of the past three Official Actions. Applicant believes that this makes it clear that the arguments are not moot in view of the new rejections due to the Official Actions' continued reliance on Li and Pratt. Applicant requests that the arguments be considered and responded to if any further rejection relies on either Li or Pratt, regardless of what other references are combined therewith.

Claim Rejections

Claims 1, 14, and 25-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,998,738 to Li (hereinafter "Li") in view of U.S. Patent 6,139,373 to Ward (hereinafter "Ward").

First, the Official Action states that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the electrical and mechanical terminal pin design of Ward et al. instead of the pins of Li et al., for the purpose of providing electrical and mechanical terminal contact in the connector." Applicant fails to understand what type of securing that the pins of Ward will bring to Li that Li does not alternatively provide for. Furthermore, Applicant fails to find any motivation or statement that Li requires such securing. Presumably, such securing would be redundant of structure in Li. With this being the only stated reason for the combination, the Official Action has failed to provide a *prima facie* case of obviousness. Furthermore, the proposed combination is a product of hindsight.

Second, the proposed combination would not have a reasonable expectation of success. Substrate 18 of Li is a film. Terminals 20 of Ward rely on sufficient surface area to allow a friction fit between terminals 20 and through holes of substrate 11. First, film 18 of Li is too thin to allow such a friction fit. Second, film 18 is not rigid enough to prevent deformation and thus would allow terminals 20 to be removed. Accordingly, one of ordinary skill in the art would not supply terminals 20 of Ward to the film substrate 18 of Li in order to achieve a mechanical connection in the connector. Accordingly, the proposed combination would not be

obvious to one of ordinary skill in the art in that it does not have a reasonable expectation of success. Applicant respectfully requests removal of the rejection of claim 1. Applicant further believes that claim 1 is in condition for allowance. Such allowance is respectfully requested.

Claim 14 was rejected by the Official Action by stating, "the recited method steps would necessarily be performed in the assembly of the above-mentioned system as claim 1." As in the previous two responses, applicant notes that claim 14 requires "providing a sealing member between said casing and said header which is compressed in the mating direction." Claim 1 fails to discuss such a sealing member. Accordingly, a citation to the rejection of claim 1 is insufficient to further reject claim 14. Applicant respectfully requests removal of the rejection of claim 14. Applicant further believes that claim 14 is in condition for allowance. Such allowance is respectfully requested.

Claim 25 requires that the connector header, casing, and substrate are attached to each other simultaneously. Applicant wishes to clarify that this limitation is a step as opposed to a state of being. This concept is further explored in claim 26 that requires a single movement to achieve the attachment. Furthermore, in that these claims describe a process, the exploded and assembled figures (5-7) that are referenced are insufficient to teach such a process. Additionally, Li describes that flexible film 18 is coupled to base plate 12 via adhesive films 31, 32. Accordingly, Li teaches attachment of flexible film 18 separate from any attachment of electrical connector 36. Thus, the proposed combination fails to render obvious claims 25 and 26.

Claims 2-13 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li, as modified, as applied to claim 1 above (combined with Ward) and further in view of U.S. Patent No. 6,652,292 to Pratt (hereinafter "Pratt"). Each of claims 2-13 and 15-24 depend from either claim 1 or claim 14. In that claims 1 and 14 are believed to be in condition for allowance, claims 2-13 and 15-24 are also believed to be allowable. Such allowance is respectfully requested.

Additionally, as noted in the previous two responses, claim 8 depends from claims 1 and 7 and requires "a seal member positioned within said sealing groove and in sealing contact with said sealing wall." In rejecting claim 7, the Official Action stated "Pratt et al disclose the casing having a sealing groove (22,...) including a seal member (36,...) with a complementary geometry as the upstanding seal wall and being received therein." Assuming that the reversal of parts discussed in the rejection of claim 7, flange 36 is cited as the sealing wall in that it is

received in groove 22. Claim 8 requires the seal member to be in contact with the sealing wall. Therefore, flange 36 cannot be both the sealing wall and the seal member as cited by the Official Action. Accordingly, claim 8 is believed to be in condition for allowance.

As noted in the previous two responses, claim 9 depends from claim 1 and requires "said connector header has a mounting surface which extends at least partially into said opening." The Official Action states that "Pratt et al. disclose the connector header having a mounting surface (38, ...) which extends at least partially into the opening." The rejection further states "it would have been obvious to one of ordinary skill in the art ... to use the flange design of the connector header of Pratt et al., in Li et al., as modified, for the purpose of providing an abutment of the mounting surface of the connector header relative to the opening of the casing." This supposed motivation is a reflexive statement that provides no motivation. In other words, the supposed motivation says "it would have been obvious to do "X" so that you can achieve "X." The stated motivation fails to state why one would be led to do X or want to achieve X. The stated motivation fails to discuss why one would be led to "[provide] an abutment of the mounting surface of the connector header relative to the opening of the casing." Accordingly, the Official Action fails to provide a *prima facie* case of obviousness. Accordingly, claim 9 is in condition for allowance.

As noted in the previous response, Claim 11 requires "wherein said header mounting surface is adhesively fixed to said casing." The Official Action states that "Li et al., as modified, disclose wherein the header mounting surface is adhesively fixed to the substrate(31...)." "31" of Li is not a substrate, but rather an adhesive. Furthermore adhesive 31 couples film 18 and casing section 15. Adhesive 31 does not couple a header mounting surface to the casing. Accordingly, the rejection of claim 11 is improper. Removal of the rejection is respectfully requested.

Whereas the Official Action states that the previously submitted arguments are moot in view of the new ground of rejection, applicant respectfully disagrees with this assertion. Applicant respectfully requests that any further Official Action that rejects dependent claims and continues to rely on Li, Ward, Pratt, or any combination thereof includes a response to the above supplied arguments.

If necessary, Applicant requests that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicant requests that any

required fees needed beyond those submitted with this response be charged to the account of Baker & Daniels, Deposit Account No. 02-0390.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during consideration of this matter.

Respectfully submitted,

By: 
Ryan C. Barker
Reg. No. 47,405

BAKER & DANIELS
300 N. Meridian Street, Suite 2700
Indianapolis, Indiana 46204
Telephone: (317) 237-8690
Fax: (317) 237-1000